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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,128

03/11/2005

Yoshitsugu Iijima

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EXAMINER

YANG, JIE

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

09/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/524,128</p>	<p>Applicant(s) IIJIMA ET AL.</p>	
	<p>Examiner JIE YANG</p>	<p>Art Unit 1793</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 5-17 and 22-29.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Roy King/
Supervisory Patent Examiner, Art Unit 1793

/Jie Yang/

Claims 1-4 and 18-21 have been cancelled, claims 5, 8, 12, and 16 have been amended, and claims 5-17 and 22-29 remain for examination. The amendments in the instant claims 5, 8, 12, and 16 do not change the scope of the claims.

The previous rejection of claim 18 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yoshimichi Hino et al (EP 1359230, thereafter EP'230) is withdrawn since the claim has been cancelled.

The previous rejection of claims 19 and 20 under 35 U.S.C. 103(a) as obvious over Yoshimichi Hino et al (EP 1359230, thereafter EP'230) is withdrawn since the claims have been cancelled.

Claims 5-17 and 22-29 are rejected under 35 U.S.C. 103(a) as obvious over Yoshimichi Hino et al (EP 1359230, thereafter EP'230). EP'230 is applied to the claims 5-17 and 22-29 for the same reason as stated in the previous office actions dated 12/13/2007, 7/7/2008 and 3/16/2009.

Continuation of 11. does NOT place the application in condition for allowance.

Regarding the 132 Affidavits filed on 8/28/2009, which filed after the final rejection and the Applicant has shown the commercial success of the invention, it has been considered but is insufficient to overcome the rejections of claims 5-17 and 22-29 based upon 35 U.S.C 103(a) as set forth in the previous office actions marked 12/13/2007, 7/7/2008 and 3/16/2009 because claims 5-17 and 22-29 are obvious over EP'230 as discussed in the previous office actions marked 12/13/2007, 7/7/2008 and 3/16/2009.

In the "Applicant's argument/remarks" filed on 8/28/2009, the Applicant argues that differences between the instant claims and Hino et al (EP'230) are 1) different input and output; 2) flow of processing; and 3) Movements of the steel material. EP'230 requires the temperature measurement to start heating and it is necessary to wait until the surface temperature reaches or is lower than the mean temperature in the thickness direction of the steel plate, which is distinct to the instant claims, which is not necessary to measure the surface temperature at every heating time and wait until the surface temperature is decreased.

In response, the Examiner disagrees with the Applicant's arguments because as pointed out in the previous office actions marked 12/13/2007, 7/7/2008 and 3/16/2009, EP'230 teaches controlling the travel speed according dimension of object, induction power, the number of heating cycles and target heating temperature (Table 1, and Page 3, paragraph [0010] to page 4, paragraph [0023] of EP'230). In the Eq.(1) of Hino et al (EP'230) teaches the relationship between power and the dimension of product, heating time (rolling pitch), temperature rise, and other parameters. EP'230 clearly teaches that the target temperature and the travel speed are basic parameters for the heating process (Paragraphs [0012]-[0013] of EP'230). These parameters are result-effective variables in term of the heating conditions. The Examiner further notes that EP'230 teaches the experimental data for time-temperature (surface or thickness center). Therefore, it would have been obvious to one skilled in the art to adjust the heating according to these experimental data for heating the material without waiting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.